

The BLM's Underground Coal Mine Responsibilities

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I am pleased to appear before this commission to provide an overview of the BLM's roles and responsibilities concerning underground coal mining.

The availability of Federal coal is of great importance to the country and to the coal industry in Utah. There are currently a total of 25 underground coal mines on Federal lands, 11 of which are in Utah. There are 75 active Federal coal leases in Utah that encompass approximately 92,000 acres. There is no active surface mining of Federal coal within the state of Utah.

The BLM is the leasing agent for issuing coal leases on all Federal lands and carries out its responsibilities in accordance with the Mineral Leasing Act of February 25, 1920, as amended (MLA)(30 U.S.C. 181 *et seq.*) and the Mineral Leasing Act for Acquired Lands of August 7, 1947, as amended (30 U.S.C. 351-359 *et seq.*). The bureau completes extensive environmental analysis required by the National Environmental Policy Act (NEPA) at two junctures: first, during land use planning

when land is made available for coal leasing, and again when a specific tract is identified for leasing. In Utah, the BLM, the Forest Service, and the Utah Division of Oil, Gas and Mining, coordinate closely to complete these environmental studies. The BLM has reserved the right to enter and inspect the mining operations on each lease as a condition of the lease to verify compliance with the terms and conditions of the lease. The BLM's inspection policy is under the authority of the MLA, and 43 C.F.R. 3486 and BLM Manual 3486.

The Department of Labor's Mine Safety Health Administration (MSHA) is the Federal agency with primary responsibility for the health and safety of mine workers and protection of the public from mining hazards through enforcement of the Federal Mine Safety & Health Act of 1977, Public Law 91-173, as amended, and collectively referred to as the "Miners Act." MSHA's enforcement authority includes all surface and underground mines in the United States.

Before mining may commence on a Federal lease, the mine operator must obtain numerous approvals. These include a Resource Recovery and Protection Plan (R2P2), which is ultimately approved by the Department of the Interior's Assistant Secretary for Land and Minerals Management; and the permit required by the Surface Mining Control and Reclamation Act (SMCRA), which is approved by the

State of Utah. The R2P2 provides the basic mine layout and sequencing that the BLM requires so as to determine that mining operations on the lease will achieve the goal of Maximum Economic Recovery (MER), as established in the MLA. A MER determination considers:

1. local standard industry operating practices;
2. existing proven technology;
3. commercially available and economically feasible equipment;
4. coal quality, quantity, and marketability;
5. safety, exploration, operating, processing, and transportation costs; and,
6. compliance with applicable laws and regulations.

The BLM's goal is for all profitable coal to be mined with due regard for the health and safety of the miners and the public, and to ensure that other resources are protected. The BLM will not sacrifice safety to produce more coal if the physical condition of the coal and other geological formations are such that it would jeopardize the health and safety of those in the mine. The R2P2 provides the foundation from which the amount of mineable coal is determined. This measure, in turn, is used to develop diligence and continued operation requirements for the lease.

MSHA has authority to approve plans for roof control and ventilation. The BLM defers to MSHA's authority relative to the health and safety of the miners and, specifically, to the requirements established in the roof control and ventilation plans. (See 43 CFR 3482.2(c)(6)). The BLM depends on MSHA to complement the bureau's responsibilities for underground coal mining operations:

43 CFR 3480.0-6 Responsibilities.

(a)(2) Mine Safety and Health Administration. The responsibility for enforcement of the Federal Coal Mine Health and Safety Act of 1969, as amended (83 Stat. 742), and the coal mine health and safety rules contained in Chapter I of this title are vested in the Mine Safety and Health Administration, Department of Labor.

The BLM has established a dialogue with MSHA to achieve a better understanding of each agency's respective roles and responsibilities to ensure that mine safety is not compromised because of a lack of communication or collaboration between the two agencies.

The BLM is required to inspect coal leases for compliance with the terms and conditions of the lease at least once every 3 months. A typical lease inspection includes a check to determine if the terms and conditions of the lease are being followed, a review of the production verification plan and collection of additional data for production verification, and to ensure that coal is not being wasted.

Thank you for the opportunity to outline the BLM's roles and responsibilities. I would be glad to respond to your questions and provide further information as needed.